



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

HD:hd  
Docket No: 02910-99  
2 February 2001

Mr. [REDACTED]  
[REDACTED]  
[REDACTED]

Dear [REDACTED]:

This is in reference to the application for correction of naval record submitted on 26 April 1999 by your late husband, former Lieutenant Commander [REDACTED] Chaplain Corps, U. S. Naval Reserve.

In his application, he requested that the Fiscal Year (FY) 99 Naval Reserve Chaplain Commander Selection Board be reconvened, and that the proceedings be conducted in accordance with criteria he specified; and that the failures of selection of all those failed of selection by the FY 99 Selection Board be removed. He requested, in the event this request is denied, that his own failure of selection before the FY 99 Selection Board be removed. Finally, he requested that a formal investigation of his allegations be directed. His request to remove the failures of selection of all those failed of selection by the FY 99 Selection Board was not considered, as the Board for Correction of Naval Records has no power to act on records of persons who have not petitioned.

A three-member panel of the Board, sitting in executive session, considered his application on 1 February 2001. His allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of his application, together with all material submitted in support thereof, his naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Navy Personnel Command dated 15 July 1999 with enclosure and 4 August 1999, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the advisory opinions. They were unable to find your late husband's reference, in paragraph 8.B.(1).(B).(1) of his letter to the President of the FY 99 Selection Board dated 24 February 1998, to a member of the selection board would have prejudiced his chances before that board. In view of the

above, his application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of his case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosures



DEPARTMENT OF THE NAVY  
BUREAU OF NAVAL PERSONNEL  
WASHINGTON, D.C. 20370-5000

2910-99  
IN REPLY REFER TO

5420  
PERS-86  
15 JUL 99

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-OOZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF  
LIEUTENANT COMMANDER [REDACTED]  
[REDACTED]

Ref: (a) BCNR memo 5420 PERS-OOZCB of 17 Jun 99  
(b) 10 U.S.C. Section 1552

Encl: (1) BCNR File 02910-99  
(2) Precept FY-99 Chaplain O-5/O-6 Board

1. Per reference (a) we are returning enclosure (1) with the following observations and recommendation that Lieutenant Commander [REDACTED] petition be denied.

2. Lieutenant Commander [REDACTED] claims he was improperly considered due to bias and failed of selection before the FY-99 Commander Staff Corps selection board. The assertion that bias was present due to denominational, and/or minority factors is unsubstantiated and without merit. The precept's supplemental guidance Appendix A (paragraph 2, ENCL 2) provides the basis for an officer's selection. Denominational statistics are not compiled or reported to the board. The fact that this year's in zone population is "73% liturgical" simply demonstrates that this year's in zone population happened to be comprised of chaplains that are, by Lieutenant Commander [REDACTED] definition, 73% liturgical. Further, the Officer Summary Record cover pages of an officer's record do not reflect in any way the denomination of an officer. In addition, the assertion that the precept was violated is again unsubstantiated and without merit. The precept does not stipulate that 50% must be selected. It states that 50% MAY BE recommended for selection (paragraph 3, ENCL 2). The number to select, (in this case 17), is based upon the number of in zone officers (33). There is no mandate that the 50% must all come from the in zone population. The only mandate is that the TOTAL to select, whether they come from in zone or above zone, may total NO MORE than 17 (50% of 33).

3. There is no evidence of the board either violating its oath or the precept. Lieutenant Commander [REDACTED] allegation is based on hearsay and is without merit. The board was established in accordance with the precept, conducted in accordance with the precept, and made their selections in accordance with the precept. Therefore, there is no cause for a formal investigation to be made. Likewise there is no cause for the board to be reconvened, nor is there cause for the officers that were not selected to be considered as not having failed selection. Finally, there is also no cause for Lieutenant Commander [REDACTED] to be individually considered as not having failed selection.

4. Specific reasons for Lieutenant Commander [REDACTED] failure of selection are not available since board deliberations are sensitive in nature, and records of deliberations are not kept. Therefore it is impossible to say what precisely the board considered detrimental to his promotion potential. It is our opinion that Lieutenant Commander [REDACTED] record was looked at in its entirety and was not considered "Fully and Best Qualified" as outlined in the precept.

5. Lieutenant Commander [REDACTED] can be justifiably proud of his record and his 25 years of contributions; the negative response to his petition does not detract from his honorable service to this nation and the United States Navy.

[REDACTED SIGNATURE]

Director, Reserve Officer Promotions,  
Appointments, and Enlisted  
Advancement Division



DEPARTMENT OF THE NAVY  
BUREAU OF NAVAL PERSONNEL  
WASHINGTON, D.C. 20370-5000

IN REPLY REFER TO  
17 FEB 98

MEMORANDUM FOR SECRETARY OF THE NAVY

Via: (1) Judge Advocate General  
(2) Chief of Naval Operations

Subj: PRECEPTS CONVENING FY99 SELECTION BOARDS TO CONSIDER  
STAFF CORPS OFFICERS ON THE RESERVE ACTIVE-STATUS LIST FOR  
PROMOTION TO THE PERMANENT GRADES OF CAPTAIN AND COMMANDER

Ref: (a) Fiscal Year 1999 Reserve Officer Grade Promotion  
Plan  
(b) 10 USC § 14102  
(c) SECNAVINST 1401.3

1. I am forwarding the attached precepts, which are in consonance with reference (a), to convene selection boards on 2 March 1998 for the purpose of recommending staff corps officers on the Reserve Active-Status List for promotion to the permanent grades of captain and commander.

2. The percentages of officers that may be selected by the boards conform to reference (a) and are provided in the precepts.

3. The recommended memberships of all selection boards conform to the requirements of reference (b). The memberships conform to regulations of reference (c) with two exceptions; one additional staff corps rear admiral will serve as members on the Chaplain Corps and the Supply Corps selection boards, respectively. SECNAV's signature will constitute a waiver of this addition.

4. The precepts conform to all specific guidance you have issued on the promotion of officers. I note in this regard, that below zone selections for naval reserve officers, not on the active-duty list, are not authorized.

5. I recommend you sign the attached precepts.

  
Vice Admiral, U.S. Navy  
Chief of Naval Personnel

2410 17  
Subj: PRECEPTS CONVENING FY99 SELECTION BOARDS TO CONSIDER  
STAFF CORPS OFFICERS ON THE RESERVE ACTIVE-STATUS LIST FOR  
PROMOTION TO THE PERMANENT GRADES OF CAPTAIN AND COMMANDER

---

REVIEW BY THE CHIEF OF NAVAL OPERATIONS

26 Feb 98

1. I recommend you sign the attached precepts.

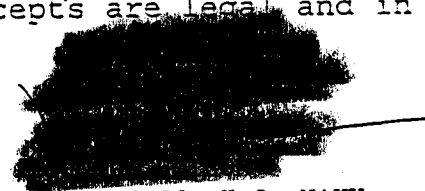
  
Admiral, U.S. Navy  
Chief of Naval Operations

---

REVIEW BY THE JUDGE ADVOCATE GENERAL

24 Feb 98

1. The attached precepts are legal and in proper form for your signature.

  
RADM, JAGC, U.S. NAVY  
JUDGE ADVOCATE GENERAL



ARTMENT OF THE NAVY  
OFFICE OF THE SECRETARY  
1000 NAVY PENTAGON  
WASHINGTON, D.C. 20350-1000

20110-49  
27 February 1998

From: Secretary of the Navy

To: Rear Admiral (Lower Half) [REDACTED]

Subj: PRECEPT CONVENING FY99 SELECTION BOARDS TO CONSIDER  
CHAPLAIN CORPS OFFICERS ON THE RESERVE ACTIVE-STATUS LIST  
FOR PROMOTION TO THE PERMANENT GRADES OF CAPTAIN AND  
COMMANDER

Encl: (1) Board Membership  
(2) Supplemental Guidance

1. Membership, Date, and Location. The selection boards, consisting of you as president and the officers listed in enclosure (1), are ordered to convene at the Navy Department, Washington, D.C., at 0800, Monday, 2 March 1998 or as soon as practicable thereafter. The function of the boards is to consider Chaplain Corps officers on the reserve active-status list for promotion to the permanent grades of captain and commander. The records and names of all eligible officers, determined as of the date the boards convene, will be furnished to the boards. The names of those officers who are in the promotion zone will be indicated.

2. Selection Standard. The boards shall consider carefully, without prejudice or partiality, the record of every eligible officer. The officers selected will be those whom a majority of the members of the boards consider best qualified for promotion giving due consideration to the needs of the Navy for officers with particular skills. In addition to the standard of best qualified, all officers recommended for promotion must be fully qualified; that is, each officer must be capable of performing the duties of the next higher grade. The "best and fully qualified" standard shall be applied uniformly to all eligible officers whether in or above the promotion zone.

3. Authorized Selections. The total number of officers who may be recommended in each competitive category shall be the number that most closely approximates the percentage set forth below of "in-zone" eligible officers determined as of the date the boards convene. The Chief of Naval Personnel shall determine the number of "in-zone" eligible officers on the convening date, calculate the number which may be recommended for promotion under the

2410-99

Subj: PRECEPT CONVENING FY99 SELECTION BOARDS TO CONSIDER  
CHAPLAIN CORPS OFFICERS ON THE RESERVE ACTIVE-STATUS LIST  
FOR PROMOTION TO THE PERMANENT GRADES OF CAPTAIN AND  
COMMANDER

percentages set forth below, and furnish the number to the  
boards. The boards may recommend up to the number provided by  
the Chief of Naval Personnel.

COMPETITIVE  
CATEGORY

PERCENT  
TO SELECT

Chaplain Corps Captain  
Chaplain Corps Commander

50%  
50%

4. Show Cause Determination. In addition to determining which  
officers are best qualified for promotion, the boards shall  
review each record carefully to determine whether the officer's  
performance is such that the individual is considered suitable  
for retention. The boards shall notify the Secretary of the Navy  
of the name of each officer whose record, in the opinion of a  
majority of board members, indicates the officer should be  
required to show cause for retention due to:

- a. Substandard performance of duty;
- b. Moral or professional dereliction;
- c. Misconduct; or,

d. Because the officer's retention is not clearly consistent  
with the interests of national security.

5. The boards shall proceed in accordance with guidance provided  
at enclosure (2).

6. Except as authorized or required by the President, Secretary  
of Defense, or Secretary of the Navy, no person shall disclose  
the proceedings, deliberations, or recommendations of a selection  
board.





2910-99

BOARD MEMBERSHIP

1. Chaplain Corps Officer:

Rear Admiral (Lower Half) [REDACTED] CHC,

U. S. Naval Reserve, [REDACTED]

Captain [REDACTED] CHC, U. S. Naval Reserve,

013 [REDACTED]

Captain [REDACTED] CHC, U. S. Naval Reserve,

Captain [REDACTED] CHC, U. S. Naval Reserve,

Captain [REDACTED] CHC, U. S. Navy,

Captain [REDACTED] CHC, U. S. Navy,

2. CDR [REDACTED] CHC, USN, will act as recorder. LCDR [REDACTED], CHC, USN and [REDACTED], CHC, USNR will serve as assistant recorders. The recorder or an assistant recorder will be present during all deliberations.

3. CAPT [REDACTED] USN; [REDACTED] USNR; CDR [REDACTED] USNR; CDR [REDACTED] USNR; LCDR [REDACTED] USNR; LCDR [REDACTED] USN; LCDR [REDACTED] USN; [REDACTED] USN; [REDACTED] USN; LT E. Cash, USN; [REDACTED] USN; [REDACTED] USN; [REDACTED] USN; [REDACTED] USN; [REDACTED] USN; ENS A. Turner, USN; YNC [REDACTED] USN; Mr. [REDACTED] 9; YN1 (SW) [REDACTED] USNR (TAR); and [REDACTED] USNR (TAR) are designated to serve as projectionists and administrative support personnel to these boards.

Enclosure (1)

2910-99

## SUPPLEMENTAL GUIDANCE

Appendix

Subject

**A**

**General Procedural Guidance**

- Duties of the Board President
- Department of Defense policy on board proceedings
- Adverse Information in the Official Record
- Below zone consideration
- Marital status
- Area tours

**B**

**Skills Guidance**

- Navy policy guidance on application of the "best qualified" standard by grade and competitive category
- Graduate education consideration

**C**

**Minority Concerns**

- Addresses equitable consideration for minority and female officers

**D**

**Board Reports**

- Addresses content and routing of selection board reports

**E**

**Oaths**

- Provides oaths for board members and support personnel

Enclosure (2)

## APPENDIX - A

### GENERAL GUIDANCE

1. Duties of the Board President. The president of the board has been appointed by me and shall perform prescribed administrative duties. The board president has no authority to constrain the board from recommending for promotion those fully qualified officers that the majority finds best qualified to meet the needs of the Navy.

2. Board Proceedings. Per DOD Instruction 1320.14, the following directions concerning communications and information apply to all board proceedings:

a. Each of you (president, members, recorders, and administrative support personnel) is responsible to maintain the integrity and independence of this selection board, and to foster careful consideration, without prejudice or partiality, of all eligible officers. DOD Instruction 1320.14 provides specific rules governing the conduct of officer selection boards and the actions of selection board personnel.

b. You must pay particularly close attention to the rules governing communications with and among other board members, the information authorized to be furnished to you, and the procedures you should follow if you believe that the integrity of this selection board has been improperly affected.

c. You may not receive, initiate, or participate in communications or discussions involving information that DOD Instruction 1320.14 precludes from consideration by a selection board. You are to base your recommendations on the material in each officer's military record, any information I have provided to the board in accordance with DOD Instruction 1320.14, and any information communicated to you by individual eligible officers under regulations I have issued. In your deliberations, you may discuss your own personal knowledge and evaluation of the professional qualifications of eligible officers to the extent that such matters are not precluded in law, DOD Instruction 1320.14, or Service regulation from consideration by a selection board or inclusion in an officer's military personnel record. You may not discuss or disclose the opinion of any person not a member of the board concerning an officer being considered unless that opinion is contained in material provided to the board under the provisions of DOD Instruction 1320.14.

d. When discussing your own personal knowledge concerning the professional qualifications of eligible officers, the board is reminded that if personal remarks, based on a member's personal knowledge, could be considered adverse, the member cannot discuss his personal knowledge or evaluation unless the matter is contained in the officer's official record or other material placed before the board in compliance with the law and Service regulations. In addition, should an officer's record reveal the removal of a fitness report via the Board for Correction of Naval Records or similar agency, the member may not discuss his personal knowledge regarding the circumstances which resulted in the removal of the report from the officer's record.

e. I am the only person who may appear in person to address you on other than administrative matters. All communications with this board, other than those that are clearly administrative, must be in writing, given to each of you, and made part of the board's record. I have designated in writing those persons authorized to provide routine administrative information to you.

f. Before the report of the promotion selection board is signed, the recommendations may be disclosed only to members of the board, recorders, and those administrative support personnel I have designated in writing. After you sign the board report, only the recommendations of the board may be disclosed. However, I will release the names of the selectees to the public after the board's report is approved. Do not discuss recommended selectees until such time. Except as authorized by DOD Instruction 1320.14 and sections 14104 and 14108(d) of 10, United States Code, the proceedings/deliberations of the board may not be disclosed to any person not a board member or board recorder.

g. If at any time you believe that you cannot in good conscience perform your duties as a member of this board without prejudice or partiality, you have a duty to request relief by me from this duty. I will honor any such request. If a member or recorder believes that the integrity of the board's proceedings has been affected by improper influence of military or civilian authority, misconduct by the board president or a member, or any other reason, or believes someone is exerting or attempting to exert inappropriate influence over the board or its proceedings, he or she has a duty to request from me or the Secretary of Defense relief from the obligation not to disclose board proceedings and, upon receiving it, to report the basis for this belief.

3. Adverse Information in the Official Record. Just as you must consider positive performance, you must consider documented incidents of misconduct and substandard performance, which are

included in an officer's official service record, in determining those officers who are best qualified for promotion. Members must give careful consideration to each such incident. For those eligible officers who are recommended for promotion and who have received disciplinary action, or whose privileged information record (Fiche Five) contains matters relating to conduct or performance of duty, every board member shall review the information contained therein personally prior to the final board decision.

4. Consideration of officers "below the zone". Below-zone promotions are not authorized for Naval Reserve officers for FY-99 with the exception of Naval Reserve warrant officers.

5. Marital Status. Promotion boards are prohibited from considering the marital status of a member or the employment, education, or volunteer service of a spouse.

6. Area Tours. Repeated tours in a particular geographic location should not be considered negatively, provided the officer has progressed in billet complexity, professional development, and leadership responsibility.

## APPENDIX - B

### SKILLS GUIDANCE

1. "Best Qualified" Standard. Navy policy regarding application of the statutory "best qualified" standard is as follows:

a. The needs of the Navy dictate that our future leaders possess the qualities to excel in combat as commanders or in support of operational commanders or positions of leadership in direct support of fleet operations. Proven excellence in operational environments is an important measure of the qualities required. Performance while in command (for those who have been afforded the opportunity), as well as potential for command, is the ultimate test of fitness for promotion. Officers may have also demonstrated leadership, skill, integrity and resourcefulness in other difficult and challenging joint, and in-service assignments.

b. For officers being considered for promotion to the permanent grade of captain. Because these boards are considering candidates to a very senior rank, particular emphasis should be given, within the "best and fully qualified" standard, to selection of those who have demonstrated imagination and breadth of vision.

2. Graduate Education. Post-graduate education and specialty skills (represented by proven subspecialties) are important to our Navy and represent a key investment in our future. The Navy needs officers with formal technical and military education in a time of increasing technological sophistication. In determining an officer's fitness for promotion, selection boards should consider time spent obtaining post-graduate degrees and military education, and gaining experience in other specialized areas in a positive light, notwithstanding the usual "not observed" fitness reports during these periods. Assignment outside the traditional career patterns that allows the Navy to use the unique skills and expertise of these officers in subspecialty areas likewise should be considered as positive.

## APPENDIX - C

### MINORITY OFFICERS

1. The Department of the Navy is dedicated to equality of treatment and opportunity for all personnel without regard to race, creed, color, sex, or national origin. Aggressive commitment to equal opportunity is critical.

a. Many minority officers have been assigned involuntarily outside the traditional career development patterns, i.e., recruiting, equal opportunity, and specific billets requiring minorities. These assignments, though beneficial to the interests of the Navy, have resulted in those officers having career patterns different from officers who have been able to serve in their primary or warfare specialties. In making your determination of those officers who are best and fully qualified for promotion, you must view such assignments as having the same value as assignments within the primary or warfare specialty.

b. The 1988 CNO Study Group Report on Equal Opportunity in the Navy noted that minority officers who, prior to entering the Navy, had limited interaction with a predominately majority environment, may take a longer time to adjust and perform to the level of their contemporaries. This may result in initially lower fitness reports at the junior officer level (through O-3) and a higher percentage of "late bloomers" than their majority counterparts. You must consider this when evaluating a minority officer's potential and in determining which eligible officers are best and fully qualified for promotion.

c. Minority officers historically have not been promoted at rates equivalent to those of non-minority officers. In evaluating the records of officers, the board should be aware that past discrimination may have operated to the disadvantage of minority officers. Such discrimination may have manifested itself in disproportionately lower fitness reports. Equivalent performance by a minority officer and a non-minority officer may not have resulted in equivalent fitness reports. The board must consider this when evaluating a minority officer's potential and in determining which eligible officers are best and fully qualified for promotion.

d. The charter of this board is to select those officers who are "best and fully qualified". Within this charter, it is desirable to achieve a minority selection rate which is at least equal to the selection opportunity within the relevant grade and

competitive category. This is important because the Navy benefits by ensuring the talents of minority officers are not overlooked due to the officer's past assignments, or pre-commissioning social background. Prior to adjournment, the board must review the extent to which equivalent selection rates have been achieved.

2. Due to historic statutory restrictions on the assignment of women in the Navy, the records of female officers before the board may show a career pattern different from that of their male counterparts. Such pre-existing restrictions on duty assignments, which foreclosed to women opportunities for operational and command assignments available to men, cannot be allowed to prejudice the selection of women for promotion. Accordingly, in determining a woman's qualification for promotion, duty performed by a female officer, whose assignability was constrained by law or policy, shall be given weight equal to duty performed by a male officer not so constrained which is equally well performed. In evaluating a female officer, emphasis will be placed on her actual performance in assignments rather than her pattern of assignments as compared to male officers.



## APPENDIX - D

### BOARD REPORTS

1. The record of the board's proceedings shall be compiled by the recorders and administrative support staff. The written report of the board shall be signed by the board president, the board members, and board recorders. It shall contain a list of the officers recommended for promotion with appropriate selection statistics as required by DOD Instruction 1320.14, as well as the following items:

a. Convening notice required by Section 14105 of Title 10, United States Code.

b. All instructions, information, and guidance that were provided to the board, under Section 14107 of Title 10, United States Code and DOD Instruction 1320.14, except information concerning particular officers, which must be retained and transferred to the Chief of Naval Personnel.

c. Certification that:

(1) To the best of your knowledge, the board complied with DOD Instruction 1320.14, all instructions contained in the precept, and, as appropriate, other letters of guidance or instruction provided by me.

(2) You were not subject to or aware of any censure, reprimand, or admonishment about the recommendations of the board or the exercise of any lawful function within the authorized discretion of the board;

(3) You were not subject to or aware of any attempt to coerce or influence improperly any action in the formulation of the board's recommendations;

(4) You were not party to or aware of any attempt at unauthorized communications;

(5) To the best of your knowledge, the board carefully considered the records of each officer whose name was furnished to the board; and

(6) The officers recommended for promotion are, in the opinion of the majority of the members of the board, fully qualified and best qualified to meet the needs of the Navy among those officers whose names were furnished to the board.

d. A list of all officers eligible for consideration.

e. A sampling of records prepared by the board's president under procedures prescribed by the Chief of Naval Operations for use in convening special selection boards.

f. Precept.

g. If applicable, the show-cause list shall contain the names of those officers whose records, in the opinion of a majority of the members of the board, indicate the officer should be required to show cause for his or her retention. It shall also contain a brief explanation of the basis for the board's opinion. Negative reports shall state: "In the opinion of a majority of the members of the board there were no officers recommended to show cause for their retention."

2. The report shall be forwarded for approval to the President of the United States via first, the Chief of Naval Personnel; second, the Chief of Naval Operations; third, the Judge Advocate General of the Navy for legal review; fourth, Secretary of the Navy; and fifth, Secretary of Defense.

## APPENDIX - E

### OATHS

1. The following oath or affirmation shall be administered to the recorder and assistant recorders by the president of the board:

"You, and each of you, do solemnly swear (or affirm) you will keep a true record of the proceedings of this board, and you will not divulge the proceedings of this board except as authorized or required by the Secretary of the Navy or higher authority. So help you God."

2. The following oath or affirmation shall then be administered by the recorder to the members of the board:

"You, and each of you, do solemnly swear (or affirm) you will perform your duties as a member of this board without prejudice or partiality, having in view both the special fitness of officers and the efficiency of the Naval service, and you will not divulge the proceedings of this board except as authorized or required by the Secretary of the Navy or higher authority. So help you God."

3. The following oath or affirmation shall then be administered by the recorder to the projectionists and other support personnel:

"You, and each of you, do solemnly swear (or affirm) you will not divulge the proceedings of this board except as authorized or required by the Secretary of the Navy or higher authority. So help you God."



**DEPARTMENT OF THE NAVY**

**NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000**

2910-99  
1610  
PERS-61/079  
4 Aug 99

**MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION  
OF NAVAL RECORDS**

Via: Assistant for BCNR Matters, Pers-00ZCB

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF  
LIEUTENANT COMMANDER, [REDACTED] NR,  
[REDACTED]

Ref: (a) PERS-00ZCB memo 5420 of 23 Jul 99  
(b) Precept FY-99 Chaplain 0-5/0-6 Board  
(c) OPNAVINST 5354.1D, Navy EO Manual

Encl: (1) BCNR File 02910-99 w/Service record

1. Reference (a) requested comments in response to Lieutenant Commander [REDACTED] allegation that he was not selected for Commander on the FY-99 Chaplain Reserve Board because of minority, gender, prior Marine Corps service and denominational bias of the board. Enclosure (1) is returned.
2. Lieutenant Commander [REDACTED] allegation that he was told by his commanding officer the Chaplain Board acted in a certain manner was based on third party information. Enclosure (2) contains requirements that information concerning what goes on within a board remain privileged information unless questioned by higher authority.
3. Reference (b), Appendix B, gives specific guidance that the "best qualified" standard be applied to selection of officers to the next higher paygrade. There is additional guidance for minority and women officers; however, "best and fully qualified" still applies as an overriding factor. Appendix C states that it is desirable to have a selection rate for "minorities which is at least equal to the selection opportunity within the relevant grade and competitive category." It does not state that the selection rate must be at least equal to the selection opportunity. In the case of women, the board is instructed to look at "job performance in assignments rather than her pattern of assignments as compared to male officers." I believe the allegation of bias in favor of minority or gender status to be without merit.

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF  
LIEUTENANT COMMANDER [REDACTED] NR,  
[REDACTED]

4. There is no specific guidance in the precept for officers who have served in another Service, such as the Marine Corps. I believe his allegation that there is bias against his prior Marine Corps service is unsubstantiated.

5. Lieutenant Commander [REDACTED] also alleges denominational bias on the board. There was a recent change to have a line officer as the President of the Board in addition to a staff corps admiral, in this case, a chaplain, sit on the board. Another change included removing any reference to the denomination of the officer on the Officer Summary Record. These changes were made to preclude the perception that "chaplains promote chaplains" and to ensure the voting process includes the line officer perspective. I believe the allegation to be without merit.

6. Based on the information provided and per reference (c), I believe the allegations of bias based on minority status, sex, prior Marine Corps service, or denomination to be unsubstantiated.

[REDACTED]

Director, Professional  
Relationships Division  
(PERS-61)